

*REMARKS*

In response to the Office Action mailed January 4, 2005, Applicants request reconsideration. No claims are added or canceled so that 1-20 are pending. Of those claims, claims 16-18 are withdrawn from consideration.

Claim 12 was objected to, but not rejected, and therefore there is no further comment on that claim.

The Invention

The invention is directed to an integrated network system. As described in the patent application, this network provides communications for various purposes and represents the integration of a private communication network and a public communication network. Examples of private communication networks include networks that are dedicated to particular users such as governmental agencies including police, road administration authorities, and private companies such as utilities and transportation companies like railroads. Examples of public networks include public telephone networks, such as cellular telephones and the internet which are available for use by any person who subscribes to the service. The communication capacity of private networks may not, at any given time, be completely utilized so that communication channels are available for others. However, sufficient communication capacity must be provided in these private networks to handle maximum communication needs. For example, during periods of emergency, governmental authorities, such as police, may require significant communication capacity. Ensuring that sufficient capacity is present in a private network system increases the cost of the system and increases the portion of the system that is normally idle. Nevertheless, it is undesirable for a private network to rely upon a public network to provide the additional capacity that is sometimes needed because of congestion that can occur in a public network. In emergency situations it is not reasonable for the public authorities to be subjected to the prioritizing of emergency communications with non-urgent communications that occur on a regular basis on a public network.

In the invention, an integrated network is provided that combines a public communication network with a private communication network. This integration means that public network users can take advantage of the normally idle capacity of the public network. However, in recognizing the urgency and priority of some communications of the private network, the invention provides not merely prioritizing communications of the public and private networks that are interconnected in the integrated network, but actually disrupting communications of the public network to allow the emergency and urgent communications of

the private network to be completed. In effect, the two kinds of communications are not prioritized at all since emergency communication completely overrides non-emergency communication.

The important feature of the invention described above is particularly discussed in the patent application at pages 12 and 13. Attention is directed to Figures 7 and 8 of the patent application in connection with that description. As described there and illustrated in the figures cited, emergency communications are established between two terminal nodes through links. When establishing the communication path and a link between adjacent nodes is not established, a determination is made as to whether the adjacent node contains a lower priority connection. If there is such a lower priority connection, the preemption (PREEMPT) procedure is run. If no other link from the node is available, then the preemption process occurs through the connection management table. Links are simply closed between nodes in order to establish a path for urgent communication. Records of existing links are deleted from the table as part of the preemption process, interrupting existing communication links.

This description is entirely consistent with the dictionary meaning of the word "preempt", i.e., "to gain possession of by prior right or opportunity", "to appropriate, seize, or act for one's self before others", and "displace".

This feature of the invention is an express part of each of the examined independent claims, claims 1, 15, and 19. The final step of the method defined by claim 1 includes "preempting existing routing paths associated with the second network to establish routing paths requested by nodes associated with the first network". The sixth step of claim 15 includes "preempting a lower priority connection in the first output link if there is a lower priority connection in attempting to establish the connection in the first node". In the network according to claim 19, communications associated with the second network are "preempted", not delayed, on an as-needed basis to establish a connection for a request associated with the first network. As described in these claims, the integrated network includes a first network and a second network, as the two networks of the integrated network, for example, the private and public networks described with regard to particular embodiments of the invention in the patent application.

#### The Rejection

Claims 1, 13, 15, and 19 were rejected as unpatentable over Ma (U.S. Patent 6,493,317) in view of Elliott et al. (U.S. Patent 6,335,927, hereinafter Elliott). This rejection is respectfully traversed. As noted, claim 12 was only objected to but the other examined claims, all dependent claims, claims 2-7, 10, 11, 14, and 20, were rejected as unpatentable over Ma in view of Elliott and further in view of additional publications. Claims 8 and 9

were rejected based upon the asserted combination of Ma and Elliott and further in view of "ordinary skill in the art". These rejections are all respectfully traversed.

It is apparent that if Ma and Elliott do not, in combination, establish *prima facie* obviousness as to the three examined independent claims, claims 1, 15 and 19, then the rejections of the other examined claims cannot be properly maintained. For the reasons stated below, *prima facie* obviousness has not been established with respect to claims 1, 15, and 19 and, therefore, the following discussion pertains only to those three claims. Applicants maintain the right to present additional arguments at a later time, if necessary, with respect to the rejections of the dependent claims. These arguments are not presented now since the arguments are not necessary to demonstrate that all of the examined claims should be allowed.

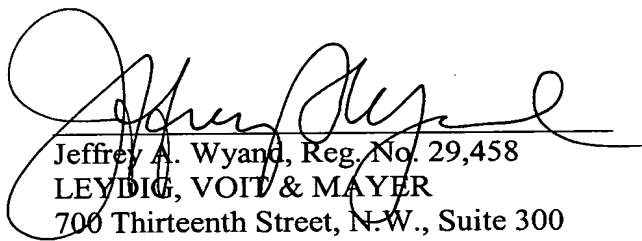
The fundamental requirements for establishing *prima facie* obviousness of any claim under examination is that all of the elements of that claim must be found in the prior art and there must be motivation in the prior art to make the combination of elements as are made in the invention. Here, Ma and Elliott fail to disclose all of the elements of the invention as defined by the examined independent claims and therefore cannot establish *prima facie* obviousness. Neither Ma nor Elliott discloses or suggests the preemption feature of the invention.

In relying upon Ma, the Examiner directed attention to particular portions of Ma which pertain to a communication network providing connections between terminal nodes through intermediate links. Routing of data for these communications is an essential element of Ma and Ma provides for prioritizing communications through the network. Ma describes priorities as including "best-effort" service which is defined as low priority class service and high priority class service referred to as "guaranteed sessions". Link resources within the network described by Ma are dynamically distributed with regard to priority. The priorities are assigned so that the low priority requests do not congest or penalize the routing priorities of requests associated with high priority service. However, there is no description in Ma, and the Examiner did not make reference to any description in Ma, that involves breaking of existing low priority communication links in order to ensure that a high priority communication will be transmitted between terminal nodes. For example, the abstract of Ma, to which the Examiner made reference, never describes interrupting any links, although it mentions "discouraging guaranteed (high priority) traffic from using links that are already loaded with best-effort (low priority) traffic". "Discouraging" cannot be interpreted to mean interrupting existing links. In fact, the comments in the Office Action characterizing Ma, which appear to be entirely correct, never state that Ma describes preemption or the breaking

of any link. The absence of such an assertion further demonstrates that Ma fails to provide this feature of the examined independent claims.

Elliott was relied upon for a different feature, not the preemption feature, of the independent claims. Elliott was cited on the basis that the "assigning" step, which seems only to appear explicitly in claim 1, was acknowledged not be present in Ma. There is no suggestion of any preemption feature in Elliott. Accordingly, even if Ma is modified by Elliott, the important preemption feature, which appears in each of the three examined independent claims, is not present. For that reason, *prima facie* obviousness has not been established with respect to any examined claim. Therefore, reconsideration and withdrawal of the rejection as well as allowance of all of the claims examined is earnestly solicited.

Respectfully submitted,



Jeffrey A. Wyand, Reg. No. 29,458  
LEYDIG, VOIT & MAYER  
700 Thirteenth Street, N.W., Suite 300  
Washington, DC 20005-3960  
(202) 737-6770 (telephone)  
(202) 737-6776 (facsimile)

Date:

JAW/cl

March 30, 2005